

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF TENNESSEE

DIVISION

Dexter Franklin

PLAINTIFF(S)

vs.

officer Eric McBerry and officer M. Mays
Metropolitan Government of
Nashville and Davidson County
Correct Care Solutions
DEFENDANT(S)

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U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENN.

CIVIL ACTION NO. _____

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS UNDER

42 U.S.C. §1983

I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes ___ NO ☒
- B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit

Plaintiffs: _____

Defendants: _____

2. Court (if federal court, name the district, if state court, name the county): _____

3. Docket Number: _____

4. Name of judge to whom case was assigned: _____

5. Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?): _____

6. Approximate date of filing lawsuit: _____

7. Approximate date of disposition: _____

II. Place of present confinement Davidson County Sheriff Office

A. Is there a prisoner grievance procedure in this institution? YES ☒ NO ☐

B. Did you present the facts relating to your complaint in the prisoner grievance procedure?
YES ☒ NO ☐

C. If your answer is Yes:

1. What steps did you take?:

I Filed the Grievance And I kept a Copy of
the Grievance I Filed Dated 12-1-10

2. What was the result? NONE

D. If your answer is No, explain why not: _____

III. Parties

(In Item B below, place the full name of the defendant in the blank marked B his official position and place of employment. In Item A, place your full name and address. Do the same for additional plaintiffs, if any).

A. Name of Plaintiff Dexter Franklin

Address 448 2nd Ave, North Nashville TN, 37201

- B. Defendant Correct Care Solutions is employed as Health Care provider at Davidson County Sheriff office
- C. Additional Defendants: Metropolitan Government of Davidson County in Nashville TN. Officer Eric McBerry and Officer Mays

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph.

(1) On Dec 1, 10 at D.C.S.O on the 3rd floor A pod Approx 9:42pm I was assaulted by a Mentally ill inmate who was not supposed to be housed in general population. I was in line waiting on the phone facing my cell door, talking to another inmate when I was assaulted from behind by a Mentally ill inmate causing me to hit my head on the steel cell door putting a gash in my forehead causing me to temporary lose conscience. I fell back and was dazed and didn't know what was going on. The inmate grab me and started to hit me and I didn't fight back or couldn't because I was still out of it. A few inmates step between us to stop the fight and I was on my knees, officer Mays came in grabbing me up off the floor and slamming me back to the floor which was excessive and unnecessary force because I was already on the floor. ~~There~~ on the side of my face. I didn't move or attempt to move and

OC. Eric McBerry jump on me putting his knee on the side of my face and pressing down.

The Mentally ill inmate shouldn't never been in general population which was endanger to himself and other. Mixing Mentally ill inmates with those who are not mentally violate the rights of both groups, And D.C.S.O has failure to separate a severely Mentally ill inmate from the Mentally healthy. I am a pre-trial detainee and are protected against excessive force by the due process clause of the fourteenth Amendment and possibly the 8th Amendment. The unnecessary force by the two officers cause me to injured my left jaw, I can't open my mouth, can't eat and 3 they have put me on a soft food diet.

(2) I was not seen for my injury and was only given a bandaid for the Gashes in my head
by Med nurse Amy Woolbright and she put 2 in my pocket. I informed the officer that I need
immediately Medical attention cause I kept losing conscence and officer Mays told me to wait
until 3rd shift and the nurse Amy Woolbright was standing there ^{when} I asked. The nurse
informed me to feel out a sick-cell ^{over} ^{on} ^{back}

V. Relief sought:

1. Compensated by Metro Government of Nashville and Davidson County for providing
inadequate Health care provider, for D.C.S.O violating their policy or my con-
stitutional rights for having a Mental ill inmate housed in general population
2. Compensated by Correct Care Solutions (C.C.S) for the excessive delay in
providing my proper Medical attention and the lack of Medication didn't control the pain
3. Compensated by officer Eric McBerry and officer Mays for violating my con.
stitutional rights for using excessive and unnecessary force and no need to
4. Compensated by Metro Government for D.C.S.O officers violating my con-
stitutional rights by applying unnecessary use of force and inflicting injury
5. Compensated by Metro Government for my emotional distress, for pain and
suffering and my Mental distress and suffering I

(We) hereby certify under penalty of perjury that the above petition is true to the best of my (our)
information, knowledge and belief.

Signed this Dec. day of 27th, 2010

Deiter Frank
Signature(s) of Plaintiff(s)